

Appl. No. 10/736,275
Atty. Docket No. 8284D
Amdt. dated November 9, 2004
Reply to Office Action of August 25, 2004
Customer No. 27752

REMARKS

Applicants' attorney wishes to thank the Examiner for her courteousness during the phone conversation between Applicants' attorney and the Examiner on November 3, 2004. During the telephone conversation, the Office Action dated 8/25/04 was discussed briefly such that Applicants' attorney could better respond to the Examiner's concerns.

Applicants' attorney believes that this Response addresses all of the rejections raised by the Examiner in the Office Action.

Claim Status

Claims 1-8 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §102(b) Over Trokhan et al.

Claims 1-7 were rejected under 35 USC §102(b) as being anticipated by U.S. 5,500,277 (hereinafter the '277 reference). Applicants' attorney respectfully traverses the rejection and requests its reconsideration and withdrawal.

With the exception of Claim 8, which is not rejected under 35 USC §102(b) but rather is considered by the Examiner to be obvious over the same '277 reference, the Examiner addresses Claims 1-7 together and does not individually address any of the limitations of the dependent claims. Applicants' attorney is of the opinion that Claim 1 of the present invention, the only independent claim, is distinguishable from the prior art as originally submitted. Thus, by definition, the dependent claims (Claims 2-8) that merely add limitations to those of Claim 1 should also be distinguishable from the cited prior art. Accordingly, much of the discussion herein will relate to the subject matter of Claim 1 of the present application and will also apply to all of the dependent claims.

To begin with, it is important to note that ALL of the claims of the present invention are process claims directed to a process for making a type of mask. Thus, it is the particular process of the claimed invention that must be described in a prior art reference to anticipate the claims. In the Office Action dated 8/25/04, for which this paper is a response, the Examiner fails to identify any of the process limitations of the present claims. Rather, the Examiner identifies a number of different and often unrelated structural elements that are purportedly disclosed in the '277 reference and then suggests

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that the structural elements in combination (a combination that the Examiner provides no explanation as to why the particular combination was or should have been made) somehow anticipate the process limitations of the claimed invention.

For example, the Examiner points to a portion of the '277 reference that teaches a binary mask having transparent and opaque regions. However, even if the mask identified by the Examiner were structurally similar to the one that is made by the process of the present invention (notwithstanding the fact that the Examiner has given no reason to believe it is), the particular process for making the mask is not set forth in the '277 reference. In particular, there is nothing in the '277 reference that would teach or suggest that the mask has embossments or that the material from which the mask is made was or should be embossed. Thus, based on this difference alone, it is clear that the '277 reference does not anticipate the claimed process for making the mask of the present invention.

After identifying that some type of a mask is disclosed the '277 reference, the Examiner focuses on a completely different structural element in the '277 reference - a belt made of woven yarns. The Examiner attempts to use the teaching of the belt to show certain structural elements that are missing from the brief disclosure of the mask in the '277 reference. For example, the Examiner states that the belt of the '277 reference has a substantially uniform thickness. However, as noted above, the belt is made from yarns that are woven together and includes an intermittent pattern layer of resin that is cast onto the belt. Clearly, the mask disclosed in the '277 reference has no structural correlation to the belt of the '277. Rather, it is merely used to help provide the belt with a "pattern layer" of cast resin. Thus, it is unclear what would motivate the Examiner to look to the teaching of the '277 reference dealing with the structure of the belt when attempting to provide the structure of a mask, much less the particular process steps for making a mask. Further, even if what the Examiner states is true, there is nothing in the cited portion of the '277 reference that teaches or suggests any of the process steps required by any of the claims of the present invention related to making a mask.

The Examiner then argues that the belt of the '277 reference includes yarns that can have different opacities. Again, even if true, there is nothing in that teaching that describes how to make the mask of the present invention. Further yet, the Examiner states that certain yarns of the belt can be used to "mask" portions of the resin that makes up the pattern layer of the belt to provide backside texture to the belt. From this, the Examiner seems to conclude that the '277 reference teaches a method of making a mask

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including all of the limitations of the claimed invention (e.g. embossing the material making up the mask). Once again, however, the portion of the '277 reference identified by the Examiner is related to specific portions and properties of the woven belt. Even if there were some teaching that the belt or any of its components of the belt could be or are embossed, which there does not appear to be, the backside texture identified by the Examiner relates to the surface of the resin which comprises the pattern layer, and which makes up part of the composite belt structure. Thus, the "embossing" if any, is not provided to the what the Examiner seems to be equating to the mask (i.e. the yarns of the belt having different opacities), but rather, is made to a different portion of the belt (i.e. the pattern layer affected by the yarns of different opacities). Therefore, even if the Examiner's conclusions about the reference were proper, the reference would not teach a mask (i.e. yarns) that are, or have been embossed, but rather, would merely teach that some portion of the belt other than the "masking" portion has some texture on at least one surface.

Clearly, there is nothing in sections of the '277 reference cited by the Examiner that would teach or suggest the claimed process of making a mask for use in a process for curing a photosensitive material which includes providing a thin transparent material of substantially uniform thickness, forming a pattern of opaque regions in the material according to a predetermined first pattern and embossing the material according to a predetermined second pattern.

Accordingly, Applicants' attorney respectfully traverses the rejection and requests that it be reconsidered and withdrawn.

Rejection Under 35 USC §103(a) Over Trokhan et al.

Claim 8 was rejected under 35 USC §103(a) as being unpatentable over U.S. 5,500,277 (again the '277 reference). For many of the same reasons set forth above regarding the rejection of Claims 1-7 based on the '277 reference, Applicants' attorney traverses this rejection and requests its reconsideration and withdrawal. Claim 8 is dependent from Claim 1, is a process claim and includes all of the limitations of Claim 1. Since, as discussed above, it is clear that the '277 reference fails to teach or suggest all of the process steps of Claim 1, it is also clear that the '277 reference fails to anticipate or make obvious the limitations of Claim 8.

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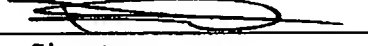
Accordingly, Applicants' attorney respectfully traverses the rejection and requests that it be reconsidered and withdrawn.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §§102 and 103. This response represents an earnest effort to distinguish the invention from the applied references. In view of the foregoing, allowance of Claims 1-8 is respectfully requested.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

By 
Signature

Date: 11/9/04
Customer No. 27752

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